

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS (PARKS, RECREATION & RAILROAD)

DATE: APRIL 24, 2008

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS	BENTLEY	WILLIAM LAMY, DPW SUPERINTENDENT
	TESSIER	REPRESENTING CLOUGH, HARBOUR & ASSOCIATES:
	STEC	RICK LOEWENSTEIN
	MERLINO	PAUL DUSEK, COUNTY ATTORNEY
	HASKELL	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND
	CHAMPAGNE	FISCAL SERVICES
	TAYLOR	JOAN SADY, CLERK OF THE BOARD
		KEVIN GERAGHTY, BUDGET OFFICER

COMMITTEE MEMBERS ABSENT:

SUPERVISORS	BELDEN	SUPERVISOR STRAINER
	GOODSPEED	SUPERVISOR THOMAS
		JOANN MCKINSTRY, DEPUTY COMMISSIONER OF
		ADMINISTRATIVE AND FISCAL SERVICES
		CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST

In the absence of the Committee Chairman, Mr. Bentley, Vice-Chairman, called the meeting of the Public Works Committee to order at 12:01 p.m.

Privilege of the floor was extended to William Lamy, Superintendent of the Department of Public Works (DPW), who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Lamy noted that Paul Butler, Director of Parks, Recreation & Railroad, was not present, due to the fact that he was having shoulder surgery. He stated that the agenda contained all of the current matters pertaining to the Department and there would be no need for a presentation at the April 29, 2008 Public Works meeting.

Mr. Lamy apprised that he was requesting authorization to accept an equipment donation to Up Yonda Farm from the Glens Falls City School District through the 21st Century Community Learning Centers Grant Program. He said that the items, which had a value totaling \$3,001.07, were as follows:

- ▶ 1 Smartboard 680, interactive electronic program chalkboard, value of \$1,946;
- ▶ 1 HP Officejet Pro L7680, All-in-One Printer, Fax, Scanner & Copier with replacement ink cartridges, value of \$493.96; and

- ▶ Assorted kitchen supplies used in conjunction with the Maple Sugar Program, value of \$561.11.

Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously to accept the equipment donation, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the May 16, 2008 Board meeting.*

Mr. Lamy informed the Committee that New York State had 'swept' \$1 million from the Snowmobile Trail Fund to be used to help balance the State budget. He added that copies of an article, an email from Assemblywoman Teresa Sayward and a petition supported by Assemblywoman Sayward were included in the agenda packet for the Committee's review.

Discussion ensued.

Mr. Lamy explained that the last item on the agenda was to discuss the rail station project and Resolution No. 289 of 2008, which had failed at the last Board meeting. He added that the resolution had been to approve Supplemental Agreement No. 3 with Clough, Harbour & Associates, LLP for an amount not to exceed \$57,000. He noted that the work on the project had been put on hold pending direction from this Committee.

Mr. Bentley stated that it was his understanding that if the County did not proceed with the rail station project, they would have to re-pay \$1.3 million to New York State. Mr. Lamy explained that the total amount of the Grant had been \$2.5 million, of which \$2 million had been Grant funds and \$500,000 had been local matching funds. He added that the County had spent approximately \$1,135,000 on the rail station project, of which \$908,000 had been grant funding that had either been received or was currently being processed for disbursement. He noted that \$227,000 of the funds that had been spent were part of the County's local share obligation. He apprised that past resolutions had been reviewed and it had been determined that \$71,000 had been taken from the General Fund and applied towards the \$500,000 local share. He added that there was a resolution in place that stated that as additional funds were needed the County would cover the costs through the issuance of a Bond Anticipation Note (BAN). He expounded that the County would need to earmark an additional \$273,000 for the rail stations project in order to meet the local share obligation for the grant. He said that if the project was terminated, the State could demand a repayment of the \$908,000 which had been disbursed to the County; however, he added, if the project were to be completed, the County would receive an additional \$1,092,000 from the State.

Mr. Taylor questioned how much State funding was in the process of being disbursed to the County and Mr. Lamy replied that he was unsure. He added that the County sent in the paperwork for periodic reimbursements and that thus far the County had been committed for \$908,000.

Mr. Champagne summarized that the choice was to either payback \$908,000 to the State or to spend \$500,000 in order to receive an additional \$1,092,000. Mr. Lamy noted that of the \$500,000, \$71,000 had already been identified by a previous resolution. He added that the County could decide to terminate the project and repay the \$908,000 or they could complete the project and identify the remainder of the funds needed for the local match.

Mr. Merlino asked if any in-kind services had been used to make up the local share. Mr. Lamy replied that the project consisted of an engineering portion and a construction portion and both would be for a cash payment for services rendered. He added that there was no opportunity for any local match to be paid with in-kind services.

Mr. Champagne asked for a breakdown of how the funds had been spent. Mr. Lamy responded that funds had been spent in the following areas:

- \$381,000 had been spent for the acquisition of properties;
- \$355,000 had been spent for the initial design report and the EDPL (Eminent Domain Procedural Law) process with Clough, Harbour & Associates;
- \$50,000 had been spent on right-of-way acquisition processes; and
- \$350,000 had been spent for final design and bid administration with Clough, Harbour & Associates.

Mr. Champagne asked how much had been paid to Clough, Harbour & Associates for the rail station project thus far and Mr. Lamy replied that it was \$705,000. Mr. Champagne noted that the project could cost an additional \$1 million in construction costs.

Rick Loewenstein, of Clough, Harbour & Associates, LLP, stated that the federal design process had to go through the environmental review process. He said that in order to use the grant funding, it was necessary to follow the Department of Transportation's (DOT) process. He added that the initial \$355,000 had included the environmental reviews and the EIS (Environmental Impact Statement) process, which had taken a couple of years. He explained that the \$50,000 for right-of-way acquisition processes included relocation plans and appraisals. He indicated that the \$350,000 for final design had not been fully spent, as a portion had been set aside to cover some construction costs. He added that the final design costs

included design of the stations, which had not been constructed yet but had been approved by the DOT. He noted that the construction value on the stations was in excess of \$2.2 million, which was why the County had made the decision not to proceed with the construction of the stations until additional funding was available. He added that in November the Committee had made the decision to scale back the project so that both stations would be 'functionally complete'.

Mr. Lamy stated that the Committee had been informed in the past that there were insufficient funds to complete construction on both stations. Mr. Haskell replied that Governor Pataki's administration had earmarked funds in the New York State budget for improvement of the railroad, which had later been removed from the budget by Governor Spitzer's administration. Mr. Lamy reminded the Committee that upon discovering that there was only enough funding available to complete one station, they had decided to make both stations functionally complete rather than choose one of the two stations to be completed.

Mr. Lamy explained that the normal contract that was required for federal or state grant projects was called a 'cost plus fixed fee' contract, which was not a lump sum project. He said that the applicant and the engineer tried to define the scope of the project and to estimate the number of man-hours that would be needed. He added that as the projects developed, sometimes it was discovered that the scope of the project did not cover all of the issues of the project. In the case of the rail stations project, he continued, the original design was for the construction of both stations, which had been approved by the DOT. He apprised that the Committee had asked Clough, Harbour & Associates to scale back on the design once it had been discovered that the necessary funding would not be available. He added that new plans and specifications had to be developed which had translated into additional man-hours used. He added that Clough, Harbour & Associates was requesting an additional \$57,000 for the implementation of the new design and plans.

Mr. Stec stated that the Committee had made decisions based on the expected funding from New York State. He added that the Committee had then discovered that the funding would not be available. He expressed that his understanding was that the County needed to spend an additional \$429,000 or they would need to return \$908,000 to the State. He stated that the County was therefore obligated to spend the \$429,000. He voiced his opinion that no further money should be spent on the railroad after the \$429,000 unless additional grant funding became available.

Mr. Lamy pointed out for clarification purposes, that the County had already spent \$156,000 of the remaining \$429,000; however, he added, the location of the funds within the budget had not been formalized. He said that an additional \$273,000 would need to be spent to total the \$500,000 local share that was required.

Mr. Haskell expounded that when it had been determined that there were only enough funds available to construct one of the two stations, Mr. Merlino had suggested that the Thurman Station be constructed first since it would be within Warren County. He added that it had been determined that both stations would need to be functional and therefore it was decided to make each of the two stations 'functionally complete'. He stated that it had been known that if the County did not spend the \$500,000 on the rail station project, they would have to re-pay the funds that had been received from the State.

Mr. Stec questioned if the plans that had been approved by the DOT would remain in effect if the County delayed construction. Mr. Loewenstein responded that they had met with the DOT to inform them of the proposed phased approach, which had been approved. He added that they had also met with the subcommittee with regards to the placement of the canopied platforms. He said that they had made changes to the platforms that would allow for conversion to full stations at a later date, in case the funding did not come through. Mr. Haskell voiced his opinion that he did not feel that the additional funding would ever be available. He added that if any funding did come through, it would most likely be spent in Saratoga County to upgrade the tracks. Mr. Stec stated that the County should invest the remainder of the \$500,000 local share and then not spend any additional funds on the railroad. Mr. Taylor asked how much of the \$908,000 had been spent and Mr. Lamy replied that it had all be expended.

Discussion ensued.

Mr. Lamy stated for clarification that the \$57,000 for the supplemental agreement with Clough, Harbour & Associates was not over or above either the \$500,000 for local share or the \$2 million in grant funding. In answer to a question pertaining to the amount of the \$2.5 million that was remaining, Mr. Lamy responded that there was \$1,365,000 between the grant funding and the local share. He added that the remainder of the project budget was \$1,328,000, which was \$37,000 less than the remaining funds. He said that Clough, Harbour & Associates had budgeted for a 5% contingency of \$61,000, which meant that there was approximately \$98,000 in uncommitted funds.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried

unanimously to authorize Supplemental Agreement No. 3 with Clough, Harbour & Associates, LLC for additional design services associated with the Warren County Scenic Rail Station Improvements Project (PIN 1755.91), for a total amount not to exceed \$57,000. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the next Board meeting.*

Mr. Stec exited the meeting at 12:30 p.m.

Hal Payne, Commissioner of Administrative & Fiscal Services, noted that this meeting had been held so that a Special Board meeting could be scheduled to avoid further delay on the rail stations project.

Discussion ensued pertaining to the date and time of the Special Board meeting.

It was the consensus of the Committee that a Special Board meeting be held on Tuesday, April 29, 2008 at 9:00 a.m.

Mr. Lamy apprised that he would like Mr. Loewenstein to explain what effect the delay would have on the construction schedule and the approval process. He added that the contracts had to be awarded by September 15, 2008. Mr. Loewenstein distributed a Proposed Project Schedule to the Committee members; a copy of which is on file with the minutes. He stated that they had lost approximately two weeks due to the project being put on hold. He added that anything on the schedule that was listed in bold print (Item Nos. 11, 14, 16 & 18), would require County approval before proceeding. He noted that Item Nos. 11 and 14 would take place on holiday weeks. Paul Dusek, County Attorney, apprised that if the County intended to bond the cost of the project, they would need to do so prior to awarding the bids. Mr. Lamy asked if he should prepare a resolution request for bonding for the April 29, 2008 Public Works Committee meeting and Mr. Dusek replied affirmatively. Mr. Geraghty suggested that the total of \$429,000 be subjected to bonding. Mr. Loewenstein reiterated that the bids would needed to be awarded by September 15, 2008, as per the DOT. He added that even with the project experiencing a delay, it would still be on schedule.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Haskell and seconded by Mr. Champagne, Mr. Bentley adjourned the meeting at 12:38 p.m.

Respectfully submitted,

Charlene DiResta, Legislative Office Specialist